

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 692K

1 WHEREAS, Tabitha, Inc. has submitted an application designated as Special
2 Permit No. 692K for authority to amend the Tabitha New Community community unit plan to
3 permit the conversion of 28 elderly or retirement dwelling units to assisted living facilities on
4 property located at Sea Mountain Road and Folkways Blvd., and legally described to wit:

5 Lot 1, Block 2 of Tabitha New Community 2nd Addition, located
6 in the Northeast Quarter of Section 1, Township 10 North, Range
7 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; and

8 WHEREAS, the real property adjacent to the area included within said community
9 unit plan will not be adversely affected by such amendment; and

10 WHEREAS, said site plan together with the terms and conditions hereinafter set
11 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
12 promote the public health, safety, and general welfare.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
14 Lincoln, Nebraska:

15 That the application of Tabitha, Inc., hereinafter referred to as "Permittee", to
16 amend the Tabitha New Community community unit plan to permit the conversion of 28 elderly
17 or retirement dwelling units to assisted living facilities on the above-described property be and
18 the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the
19 Lincoln Municipal Code upon condition that construction and operation of such assisted living

1 facilities be in strict compliance with said application, the site plan, and the following additional
2 express terms, conditions, and requirements:

3 1. This permit approves 28 domiciliary care units and 72 units of elderly or
4 retirement housing on Lot 1, Block 2, Tabitha New Community 2nd Addition within the
5 Tabitha New Community CUP.

6 2. Before receiving building permits:

7 a. The Permittee must submit and receive approval of a permanent
8 reproducible final plan, and five copies, as approved by the City
9 Council.

10 b. The construction plans must conform to the approved plans.

11 3. Before occupying the domiciliary care units all development and
12 construction must be completed in conformance with the approved plans.

13 4. All privately-owned improvements must be permanently maintained by the
14 owner or an appropriately established homeowners association approved by the City Attorney.

15 5. The site plan approved by this permit shall be the basis for all
16 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
17 elements, and similar matters.

18 6. The terms, conditions, and requirements of this resolution shall be binding
19 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
20 violations to the City Council which may revoke the special permit or take such other action as
21 may be necessary to gain compliance.

1 7. The Permittee shall sign and return the City's letter of acceptance to the
2 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
3 day period may be extended up to six months by administrative amendment. The City Clerk
4 shall file a copy of the resolution approving the special permit and the letter of acceptance with
5 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

6 8. Adoption of this resolution voids, repeals, and rescinds Special Permit No.
7 692 adopted by Resolution No. A-61683 on March 24, 1975 with respect to Lot 1, Block 2,
8 Tabitha New Community 2nd Addition.

9 9. The site plan as approved with this resolution voids and supersedes all
10 previously approved site plans, however, all resolutions approving previous permits (Special
11 Permit Nos. 692D, 692E, 692F, 692G, 692H, 692I, and 692J) remain in force unless specifically
12 amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor